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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,706	02/13/2001	Yoshio Hagihara	15162/03270	5328

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EXAMINER

HO, ALLEN C

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,706

Applicant(s)

HAGIHARA, YOSHIO

Examiner

Allen C. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakaguchi *et al.* (U. S. Patent No. 6,075,562).

Sakaguchi *et al.* disclosed an image-sensing device comprising: a photoelectric conversion portion (103) that outputs an electrical signal natural-logarithmically proportional to an amount of incident light, wherein the photoelectric conversion portion comprises a photosensor and a transistor (inherent, this is just a switch); and an output circuit that includes a temperature sensor (130) and that corrects the electrical signal output from the photoelectric conversion portion on a basis of ambient temperature detected by the temperature sensor.

3. Claims 1 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka *et al.* (U. S. Patent No. 5,335,072).

Tanaka *et al.* disclosed an image-sensing device comprising: a photoelectric conversion portion (2) that outputs an electrical signal natural-logarithmically proportional to an amount of incident light, wherein the photoelectric conversion portion comprises a photosensor and a transistor (inherent, this is just a switch); and an output circuit that includes a temperature sensor (17) and that corrects the electrical signal output from the photoelectric conversion portion on a basis of ambient temperature detected by the temperature sensor.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (U. S. Patent No. 5,335,072).

Tanaka *et al.* disclosed an image-sensing device comprising: a photoelectric conversion portion (2) that outputs an electrical signal; and an output circuit that includes a temperature sensor (17) and that corrects the electrical signal output from the photoelectric conversion portion on a basis of ambient temperature detected by the temperature sensor.

However, Tanaka *et al.* did not teach generating a factor that varies with the ambient temperature and multiplies an output from the photoelectric conversion portion by the factor.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply a linear correction to the output from the photoelectric conversion

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portion, since a person would be motivated to conserve memory in the output circuit by using the simplest form of correction that is known to a person skilled in the art.

Allowable Subject Matter

6. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The allowable subject matter in claims 4-6 refers to specific constructions of an output circuit, these constructions are neither shown nor fairly suggested in the prior art.

8. Claims 10-16 are allowed.

9. The following is an examiner's statement of reasons for allowance:

The allowable subject matter in claims 10- 16 refers to an image-sensing device comprising: an initial state setting portion that corrects the plurality of color signals output from each pixel in such a way that the color signals have a specific correlation with one another at a give color temperature.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- (1) Tanaka (U. S. Patent No. 5,861,913) describes an image sensor with circuitry for canceling temperature-dependent drift components.
- (2) Ogawa (U. S. Patent No. 5,583,397) describes a strobe apparatus with color temperature control.
- (3) Miyaguchi *et al.* (U. S. Patent No. 5,508,740) describe solid-state imaging device having temperature sensor.
- (4) Mutoh (U. S. Patent No. 4,945,418) describes a solid-state image pickup apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (703) 308-6189. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached at (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.


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Allen C. Ho
Examiner
Art Unit 2882

ACH
April 11, 2002


ROBERT H. KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800